

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

TVBI COMPANY LIMITED,

Plaintiff,

vs.

WANG YU LIN,

Defendant.

Case No: C 12-5734 SBA

**ORDER ACCEPTING REPORT
AND RECOMMENDATION OF
MAGISTRATE JUDGE AND
GRANTING PLAINTIFF'S
MOTION FOR DEFAULT
JUDGMENT**

On November 7, 2012, Plaintiff TVBI Company Limited filed a complaint against Defendant Wang Yu Lin, alleging one claim for breach of a guarantee agreement. The case was assigned to Magistrate Judge Elizabeth Laporte. Although Defendant was served with the summons and complaint in this matter, Defendant failed to answer the complaint or otherwise defend the action. Upon Plaintiff's request, the Clerk of this Court, in accordance with Federal Rule of Civil Procedure 55(a), entered Defendant's default on December 26, 2012.

On March 1, 2013, Plaintiff filed a Motion for Default Judgment against Defendant. Plaintiff seeks a judgment against Defendant in the amount of \$1,713,569.00 United States Dollars (\$35,686,791,731 Vietnamese Dong). On April 4, 2013, Magistrate Judge Laporte issued a Report and Recommendation in which she recommended entering judgment for Plaintiff in the amount requested. Dkt. 17. Because the parties have not consented to the jurisdiction of magistrate judge, she also ordered that the case be reassigned to a district judge of this Court. Id.

Any objections to a report and recommendation must be filed within fourteen days of receipt thereof. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1); Civ. L.R. 72-2, 72-3. The district court must "make a de novo determination of those portions of the report to which


1 objection is made,” and “may accept, reject, or modify, in whole or in part, the findings or
2 recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1); see also Civ. L.R.
3 72-3(a) (requiring that any objections be accompanied by a motion for de novo
4 determination).

5 The deadline to file an objection to the report and recommendation was April 18,
6 2013. See Fed. R. Civ. P. 6(a)(1), 72(b). To date, no objections have been filed in this
7 case. In the absence of a timely objection, the Court “need only satisfy itself that there is
8 no clear error on the face of the record in order to accept the recommendation.” Fed. R.
9 Civ. P. 72, Advisory Committee Notes (1983) (citing Campbell v. U.S. Dist. Court, 501
10 F.2d 196, 206 (9th Cir. 1974)); see also United States v. Reyna-Tapia, 328 F.3d 1114, 1121
11 (9th Cir. 2003) (“The statute [28 U.S.C. § 636(b)(1)(C)] makes it clear that the district
12 judge must review the magistrate judge’s findings and recommendations de novo *if [an]*
13 *objection is made*, but not otherwise.”) (en banc). The Court has reviewed the record on its
14 face and finds no clear error. Accordingly,

15 IT IS HEREBY ORDERED THAT the Magistrate Judge Laporte’s Report and
16 Recommendation is ACCEPTED and shall become the Order of this Court. Plaintiff’s
17 Motion for Default Judgment is therefore GRANTED and judgment in the amount of
18 \$1,713,569.00 shall be entered against Defendant Wang Yu Lin. The Clerk shall close the
19 file and terminate all pending matters.

20 IT IS SO ORDERED.

21 Dated: August 27, 2013


22 SAUNDRA BROWN ARMSTRONG
23 United States District Judge
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